

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

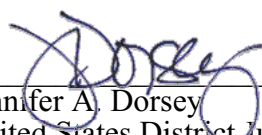
United States of America,
Respondent/Plaintiff
v.
Daniel Carrion,
Petitioner/Defendant

2:03-cr-00030-JAD-RJJ
Order Directing Response

Daniel Carrion has filed a 28 USC § 2255 motion to vacate his sentence in light of the United States Supreme Court's decision in *Johnson v. United States*, and requests that his case be set for de novo sentencing.¹ I have screened Carrion's motion, find that this court has jurisdiction,² and that Carrion's motion may be meritorious. Accordingly,

IT IS HEREBY ORDERED that **the government must file any response to Carrion's motion by June 16, 2016. Carrion will have 10 days from service of the government's response to file a reply.**

Dated this 16th day of May, 2016.



Jennifer A. Dorsey
United States District Judge

¹ ECF No. 72.

² *United States v. Buenrostro*, 638 F.3d 720, 725 (9th Cir. 2011) (per curiam) (holding that a prisoner may file a second-in-time petition raising claims that became ripe for adjudication after conclusion of first habeas proceeding). Carrion's motion is centered on *Johnson*, and Carrion's due-process *Johnson* claim was not available when he filed his first habeas petition in 2006. Accordingly, Carrion's motion is not a "second or successive" petition requiring certification by the Ninth Circuit.